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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

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7 MAJUNIQUE BROWN,
8 Petitioner,
9 v.
10 REUBART,
11 Defendants.

Case No. 2:24-cv-02318-RFB-MDC

SCHEDULING ORDER

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13 On April 7, 2025, this Court granted Petitioner MajunIQUE Brown's motion for appointment
14 of counsel, provisionally appointed the Federal Public Defender, and gave the Federal Public
15 Defender 30 days to (1) undertake direct representation of Brown by filing a notice of appearance
16 or (2) indicate the office's inability to represent Brown in these proceedings. ECF No. 5. On May
17 6, 2025, the Federal Public Defender timely filed their notice of appearance. ECF No. 10.

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19 **IT IS THEREFORE ORDERED** that the Federal Public Defender, through Margaret
20 Lambrose, Esq., is appointed as counsel for Brown pursuant to 18 U.S.C. §
21 3006A(a)(2)(B). Counsel will represent Brown in all federal proceedings related to this matter,
22 including any appeals or certiorari proceedings, unless allowed to withdraw.

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24 **IT IS FURTHER ORDERED** that Brown has up to and including 90 days from entry of
25 this order within which to file an amended petition and/or seek other appropriate relief. Neither
26 the foregoing deadline nor any extension thereof signifies or will signify any implied finding as to
27 the expiration of the federal limitation period and/or of a basis for tolling during the time period
28 established. Brown remains responsible for calculating the running of the federal limitation period

1 and timely asserting claims, without regard to any deadlines established or extensions granted
2 herein. That is, by setting a deadline to amend the petition and/or by granting any extension
3 thereof, the Court makes no finding or representation that the petition, any amendments thereto,
4 and/or any claims contained therein are not subject to dismissal as untimely. See Sossa v. Diaz,
5 729 F.3d 1225, 1235 (9th Cir. 2013).
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7 **IT IS FURTHER ORDERED** that Respondents shall file a response to the amended
8 petition, including potentially by motion to dismiss, within 60 days of service of an amended
9 petition and that Brown may file a reply thereto within 30 days of service of the answer. The
10 response and reply time to any motion filed by either party, including a motion to dismiss, shall be
11 governed instead by Local Rule LR 7-2(b).
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13 **IT IS FURTHER ORDERED** that any procedural defenses raised by Respondents to the
14 counseled amended petition shall be raised together in a single consolidated motion to dismiss. In
15 other words, the Court does not wish to address any procedural defenses raised herein either in
16 seriatum fashion in multiple successive motions to dismiss or embedded in the answer. Procedural
17 defenses omitted from such motion to dismiss will be subject to potential waiver. Respondents
18 shall not file a response in this case that consolidates their procedural defenses, if any, with their
19 response on the merits, except pursuant to 28 U.S.C. § 2254(b)(2) as to any unexhausted claims
20 clearly lacking merit. If Respondents do seek dismissal of unexhausted claims under § 2254(b)(2):
21 (a) they shall do so within the single motion to dismiss not in the answer; and (b) they shall
22 specifically direct their argument to the standard for dismissal under § 2254(b)(2) set forth in
23 Cassett v. Stewart, 406 F.3d 614, 623-24 (9th Cir. 2005). In short, no procedural defenses,
24 including exhaustion, shall be included with the merits in an answer. All procedural defenses,
25 including exhaustion, instead must be raised by motion to dismiss.
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1 **IT IS FURTHER ORDERED** that, in any answer filed on the merits, Respondents shall
2 specifically cite to and address the applicable state court written decision and state court record
3 materials, if any, regarding each claim within the response as to that claim.
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5 **IT IS FURTHER ORDERED** that any state court record and related exhibits filed herein
6 by either Brown or Respondents shall be filed with a separate index of exhibits identifying the
7 exhibits by number. The CM/ECF attachments that are filed further shall be identified by the
8 number or numbers of the exhibits in the attachment. If the exhibits filed will span more than one
9 ECF Number in the record, the first document under each successive ECF Number shall be either
10 another copy of the index, a volume cover page, or some other document serving as a filler, so that
11 each exhibit under the ECF Number thereafter will be listed under an attachment number (i.e.,
12 Attachment 1, 2, etc.).
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14 **IT IS FURTHER ORDERED** that courtesy copies of exhibits shall not be provided.
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16 **DATED:** June 3, 2025.
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18 **RICHARD F. BOULWARE, II**
19 **UNITED STATES DISTRICT JUDGE**
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